UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
- -

NORMAN P. DEEP, JR.,

                                    Plaintiff,

            vs   6:07-CV-1144

CLINTON CENTRAL SCHOOL DISTRICT;
JEFFREY ROUDEBUSH, Individually, and
in his Official Capacity as Superintendent of
the Clinton Central School District; GLENN
COIN, In his Official Capacity as President
Superintendent of the Clinton Central School
District Board of Education; PAUL SCOPAC,
In his Official Capacity as Vice President of the
Clinton Central School District Board of Education;
BETH TEGART, ALEXANDER D'ACUNTO, and
KATHERINE COLLETT, In their Official Capacity
as a Member of the Clinton Central School District
Board of Education;

                                    Defendants.
- -

APPEARANCES: OF COUNSEL:

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DAVID N. HURD
United States District Judge

O R D E R

The remaining defendants have made a second motion for summary judgment

pursuant to Fed. R. Civ. P. 56 to plaintiff's First Amendment Retaliation Claim. (Docket

No. 45). Plaintiff opposes and cross-moves for summary judgment. (Docket Nos. 48, 49,

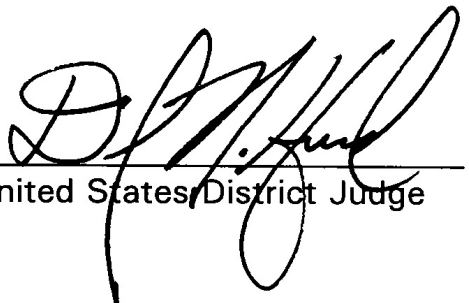50, 51, and 52). Defendants filed a reply. (Docket No. 54).

Upon a review of the submissions and in each case reviewing the evidence most

favorable to the non-moving party (plaintiff in the second motion and defendants in the

cross-motion), questions of material fact exist as to all relevant issues pertaining to

plaintiff's retaliation claim.

Therefore, it is

ORDERED that

1. Defendant's second motion is DENIED; and

2. Plaintiff's cross-motion is DENIED.

IT IS SO ORDERED.

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United States District Judge

Dated: August 13, 2009
        Utica, New York.